

REMARKS

In response to the Office Action mailed on January 2, 2009, Applicants respectfully request reconsideration and submit the following remarks to expedite prosecution of the present application to allowance. Claims 1-48 are pending. Claims 21-40 are allowed. Claims 1-20 and 41-48 are rejected. Applicants thank Examiner for indicating allowable subject matter. Applicants respectfully submit that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejections under 35 U.S.C. § 101

The Office Action rejected claims 1-20 and 41-48 under 35 U.S.C. § 101 asserting that the claim language is directed to non-statutory subject matter. Applicants address claims 1-20 and 47-48 separately from claims 41-46 because these two sets claim different categories of statutory subject matter.

Claims 1-20 and 41-48.

Claims 1-20 and 41-48 have all been amended in the preamble. Independent claims 1 and 48 now recite: "A computer-implemented method in which a computer system initiates execution of software instructions stored in memory, the computer-implemented method comprising." Independent claim 18 recites: "A computer-implemented method in which a computer system initiates execution of software instructions stored in memory for recognizing words spoken by native speakers of multiple languages, the computer-implemented method comprising." Independent claim 19 recites: "A computer-implemented method in which a computer system initiates execution of software instructions stored in memory for multilingual speech recognition, the computer-implemented method comprising." Support for claim amendments is

found in the specification on page 5, lines 6-11, page 12, lines 24-30, as well as elsewhere in the figures and specification.

A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. In re Bilski, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). Applicants respectfully submit that independent claims 1, 18, 19, and 48 claim a process, which is a statutory class of invention. Furthermore, claims 1, 18, 19, and 48 claim a process that is tied to a particular apparatus, namely, a computer system. Thus, Applicants respectfully submit that amended claims 1, 18, 19, and 48 fall within a statutory category of invention. Applicants submit that claims 2-17, 20, and 47 also fall within a statutory category of invention by virtue of dependency. Additionally, the preambles of claims 2-17, 20, and 47 have been amended to clarify that they claim a computer-implemented method.

Claims 41-46.

Claims 41-46 claim a statutory category of invention, namely, an apparatus. Additionally, Applicants submit that claims 41-46 are examined as having 35 U.S.C. 112, sixth paragraph, "means or step plus function" limitations in the claim. 35 U.S.C. 112, sixth paragraph reads: "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover **the corresponding structure**, material, or acts described in the specification and equivalents thereof." In other words, Claims 41-46 should be interpreted to include the structure described in the specification. If claims 41-46 had claimed a product, then corresponding material should be construed; for a claimed process, then corresponding acts should be construed. Since claims 41-46 claim an apparatus, then the means recited as limitations are construed to cover corresponding physical structure.

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The specification discloses computer memory, at page 5, lines 8-11, as well as elsewhere in the specification. The specification discloses a speech processor at page 5, lines 26-30, as well as elsewhere in the specification. Applicants submit that the computer memory and speech processor are physical structures that operate together and are the corresponding structure described in the specification for performing the claimed functions. Thus Applicants respectfully submit that Claims 41-46 are directed to statutory subject matter.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 101 be withdrawn.

Summary

Applicants respectfully submit that the claims in the subject application are patentable over the cited prior art because the reference combination fails to teach or disclose all of the features of the claimed invention. Thus, Applicants submit that the pending claims are in condition for allowance.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

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